

REMARKS

The above-referenced patent application has been reviewed in light of the Office Action referenced above. Reconsideration of the above-referenced patent application in view of the following remarks is respectfully requested.

Claims 1-16 are pending in the application. Claims 1-16 have been amended. Claims 17-24 have been added. The amendment is fully supported by the original disclosure. No new matter has been introduced. The above amendments were, in many instances, made to clarify Assignee's claims and do not narrow the scope of the amended claims. In light of this, Assignee asserts that no prosecution history estoppel should result from the above amendments, in many instances.

Claim rejections - 35 USC §112

Claims 3-4 and 12-13 recite the limitations "the light cone of the image", "the allowable error", and "the reflected angles". There is insufficient antecedent basis for this limitation in the claims.

In response, Assignee has amended claims 3-4 and 12-13.

Claim objections

The Examiner has objected informalities in claims 2 and 11 for incorrectly reciting "lager".

In response, Assignee has amended claims 2 and 11.

Claim rejections - 35 USC §103(a)

Claims 1, 5-8, 10, 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura et al (U.S. Patent 6,891,328) in view of Applicant's admitted prior art (APA). These rejections are respectfully traversed.

In rejecting a claim under 35 U.S.C. § 103(a), the Examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. MPEP 2142. To establish a *prima facie* case of obviousness, three basic criteria must be met: first, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference

teachings; second, there must be a reasonable expectation of success; finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP 2142.

Independent claim 1 recites "*a case comprising a light transparent slot comprising a substantially bar form shape, wherein two or more widths corresponding to two or more points along a longitudinal direction of the light transparent slot are not all the same*". The Examiner asserts that APA "discloses a light source 120 illuminating the document, and an image generated at the place where the document is illuminated by the light source; at least one reflector 130 on which the image can be projected through the light transparent slot; a lens assembly 140 on which the image can be projected by the reflector's reflecting the image; and an optical sensor 150 on which the image can be projected after the image passes through the lens assembly (Figs 1-2)." See pages 2-3 of the Office Action. The Examiner also asserts that a combination of Nakamura with APA renders claim 1 as obvious as Nakamura "discloses a case having a light transparent slot shaped bar form, wherein the widths corresponding to the points along the longitudinal direction of the light transparent slot are not all the same (Figs 2A-3B)." See page 2 of the Office Action. However, Assignee submits that the Examiner has failed to establish that Figs 2A-3B are relevant in any way to "*a light transparent slot*" as claimed. For example, Fig. 2 is described in Nakamura as a "top view of a light source in which the width of the electroluminescence layer increases gradually from the connecting point." See column 3, lines 49-51 of Nakamura. Likewise, Fig. 3 is described in Nakamura as a "top view of a light source with connecting points provided on both sides of an electroluminescence layer." See column 3, lines 52-54 of Nakamura. In the absence of the Examiner pointing to such a disclosure in the proposed combination, Assignee requests that the rejection be withdrawn as the Examiner has failed to establish that the proposed combination renders obvious all of the features of claim 1.

Claims 2-24 are similarly not obvious, at least on the same or similar basis as claim 1.

It is noted that claimed subject matter may be patentably distinguished from the cited references for additional reasons; however, the foregoing is believed to be sufficient. Likewise, it is noted that the Assignee's failure to comment directly upon any of the positions asserted by the Examiner in the office action does not indicate agreement or acquiescence with those asserted positions.

To: Commissioner for Patents

From: Tamara Daw

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Conclusion

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

Invitation for a Telephone Interview

The Examiner is invited to call the undersigned attorney, James J. Lynch, at (503)439-6500 if there remains any issue with allowance.

Additional Fees

Any fees or extensions of time believed to be due in connection with this amendment are enclosed herein; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account 50-3703.

Respectfully submitted,

Berkeley Law and Technology Group, LLC

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